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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/988,780

11/20/2001

Marc Bladen

1984.0010000

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26111

7590

04/01/2009

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EXAMINER

LOFTIS, JOHNNA RONEE

ART UNIT

PAPER NUMBER

3624

MAIL DATE

DELIVERY MODE

04/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/988,780	Applicant(s) BLADEN ET AL.	
	Examiner JOHNNA R. LOFTIS	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-27,29,30,32,33,35-38 and 40-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-27,29,30,32,33,35-38 and 40-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/6/09 has been entered.

2. The following is a non-final office action upon examination of application number 09/988,780. Claims 1-3, 5-27, 29, 30, 32, 33, 35-38 and 40-52 are pending and have been examined on the merits discussed below.

Response to Arguments

3. Applicant's arguments filed with respect to previous rejections under 35 USC 103 based on Aon's Safetylogic have been fully considered but they are not persuasive. Applicant argues the Safetylogic articles do not disclose interactive questions for prompting a user to answer questions or perform one or more tasks. Examiner has introduced another article about Safetylogic's system entitled, "Risk & Insurance". The article discusses Safetylogic's online capabilities wherein users may conduct audits, add and track action items, send out assessment forms, collect information from the field, manage bulletins and questionnaires and run Reports. Since the online capabilities allow users to retrieve and enter data regarding auditing and questionnaires, etc., Examiner asserts that Safetylogic does teach interactivity as claimed.

4. New rejections under 35 USC 101 have been introduced.

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5. Previous rejections under 35 USC 112 have been withdrawn.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-3, 5-27, 29, 30, 32, 33, 35, 38, 40-52 are rejected under 35 U.S.C. 101. Based on Supreme Court precedent and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

Thus, to qualify as a § 101 statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state. (See Memorandum from John J. Love, Deputy Commissioner for Patent Examination Policy, dated January 7, 2009). There are two corollaries to the machine-or-transformation test. First, a mere field-of-use limitation is generally insufficient to render an otherwise ineligible method claim patent eligible. The apparatus must impose meaningful limits on the method claim's scope to pass the test. Second, insignificant extra solution activity will not transform an unpatentable principle into a patentable process. This means reciting a specific machine or particular

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transformation of a specific article in an insignificant step, such as data gathering or outputting, is not sufficient to pass the test.

Here, Applicant's method steps recite an insignificant extra solution activity since the generation of the manual is nothing more than gathering data into a document. Applicant's method steps fail the second prong of the new Federal Circuit decision. Thus, claims 1-3, 5-27, 29, 30, 32, 33, 35, 38, 40-52 are non-statutory.

Claim Rejections - 35 USC § 103

8. Claims 1-3, 5-27, 29, 30, 32, 33, 35-38 and 40-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Safetylogic, according to the following articles about Aon's Safetylogic:

A. Roberts' "New online tool targets loss costs" and

B. Gjertsen's "'Aonline' offers web services to RMs"

– hereinafter referred to as Safetylogic

C. "Risk & Insurance" from Insurance Online

As per **claim 1**, Safetylogic teaches (2) populating the one or more discipline-specific master assessment manuals with discipline-specific questions (Roberts, page 2, para. 2 - Safetylogic uses a custom-tailored checklist template populated with discipline-specific assessment data, i.e., in the construction, manufacturing, health care, hospitality and retail industries); (3) generating one or more site-specific assessment files from the one or more populated discipline-specific master assessment manuals, each of the one or more site-specific assessment files being a subset of one or more of the discipline-specific questions (Roberts, page 2, para. 8 - Safetylogic inherently creates a file for the site-specific assessment since that

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assessment is then transmitted over the Internet – these site-specific questions are pulled from discipline-specific assessment data, i.e., in the construction, manufacturing, health care, hospitality and retail industries); and (4) performing an assessment of a site using the one or more site-specific assessment files, the site-specific assessment files including interactive questions for prompting a user to (i) answer questions or (ii) perform one or more tasks (Roberts, page 2, para. 8 - the client then complete the checklists to perform site assessment; Safetylogic teaches an online version of the assessment methodology wherein forms and audits are downloaded into a hand held personal computer letting field managers record information while away from the office. The subscription based product allows managers to communicate safety issues in real time with remote locations and can track such information as whether safety meetings or self-inspections have been conducted. The password-protected, encrypted Web site also can be used to gather, distribute and archive safety management information (Roberts pages 1-2). Inherently the field manager is presented with the forms and audits that describe assessment procedures thereby “prompting” the user to perform one or more tasks; Risk & Insurance” - Safetylogic's online capabilities wherein users may conduct audits, add and track action items, send out assessment forms, collect information from the field, manage bulletins and questionnaires and run Reports. the online capabilities allow users to retrieve and enter data regarding auditing and questionnaires, etc.).

Safetylogic teaches generating a custom-tailored checklist with discipline-specific assessment data, but does not explicitly teach creating the discipline-specific assessment manual (checklist) from templates, the generating performed using a computer having a processor and a memory. Official notice is taken that it would have been obvious to one of ordinary skill in the

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art at the time of the invention to create checklists from existing templates. By utilizing templates for creation of checklists (assessments), one ensures consistency in the results.

As per **claim 2**, Safetylogic teaches generating one or more computer file copies of the one or more blank master assessment templates (Roberts page 1, bottom - the assessment checklist, prior to being completed, is inherently saved as a computer file and transmitted over the Internet to the client).

As per **claim 3**, Safetylogic teaches one or more blank master assessment templates are generated by information technology (IT) professionals (inherently the assessment checklists, prior to being completed are created by an IT professional associated with Safetylogic that has the knowledge to create the checklist and display them on the Internet site).

As per **claim 5**, Safetylogic teaches generating one or more blank master audit manuals directed to taking a snapshot of an entity's condition (Roberts, page 2, bottom – forms and audits are downloaded to a hand-held personal coputer letting managers record information; page 1, para. 3 - Safetylogic enables risk managers to monitor whether the company is in sync with corporate directives).

As per **claim 6**, Safetylogic teaches generating one or more blank master audit manuals directed to taking a snapshot of an entity's condition (Safetylogic enables risk managers to monitor whether the company is in sync with corporate directives; the Safetylogic checklists are formatted in such a way so as to be personalized for each client Roberts page 1, para. 3).

As per **claim 7**, Safetylogic teaches discipline specific questions comprise one or more of risk assessment and management questions, procedures, links, comments and other information useful for risk assessment and management (as one example checklists are created for safety

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inspections, inherently these checklists would comprise specific questions pertaining to procedures used by the client in their industry, also, the “Internet Index”, page 2 of Gjertsen, includes links to information sources that Aon develops with a service provider, for example, an airline’s Aonline Internet Index might include links to the Federal Aviation Administration and the National Weather Service).

As per **claim 8**, Safetylogic does not explicitly teach the population of one or more discipline-specific master assessment manuals are performed by one or more chief consultants having expertise in a specific discipline, wherein in the one or more chief consultants populate the one or more discipline-specific master assessment manuals with questions that are structured to identify issues and assess compliance with statutes, rules regulations, best practices and other duties of care relevant to the specific discipline. Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time of the invention to consult with specialists in each industry to populate the assessment manuals with discipline specific questions to identify issues and assess compliance. Including specialists in the population of assessment questions would ensure accurate risk assessments take place considering important aspects of the discipline at hand.

As per **claims 9-27**, Safetylogic teaches working with several industry areas including construction, manufacturing, health care, etc., to perform risk assessments using custom-tailored programs. Safetylogic does not expressly teach the specific data recited in claims 9-27, wherein specific industry assessment information is used to populate the assessment manual. However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The

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recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); *MPEP* § 2106. Further, it would have been obvious to one of ordinary skill in the art to populate the assessment manual with discipline specific questions based on how Safetylogic is custom-tailored to each client. This would ensure accurate risk assessments take place considering important aspects of the discipline at hand.

As per **claim 29**, Safetylogic teaches populating one or more blank master audit manuals directed to taking a snapshot of an entity's condition with discipline-specific questions, wherein the discipline-specific questions are tailored for audit assessments (Roberts, page 1, para. 3 - Safetylogic enables risk managers to monitor whether the company is in sync with corporate directives).

As per **claim 30**, Safetylogic teaches selecting site-specific questions from the one or more populated discipline-specific master assessment manuals to generate one or more site-specific assessment files (Roberts, page 2, para. 8 -the assessment checklist, prior to being completed, is inherently saved as a computer file and transmitted over the Internet to the client).

As per **claim 32**, Safetylogic teaches one or more site-specific assessment files are site-specific audit assessment files comprising discipline-specific questions tailored for audit assessment (Roberts, page 1, para. 3 - Safetylogic enables risk managers to monitor whether the company is in sync with corporate directives).

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As per **claim 33**, Safetylogic teaches selecting site-specific questions from one or more populated discipline-specific master assessment manuals to generate one or more site-specific assessment files, wherein a site-specific assessment file includes questions from more than one populated discipline-specific master assessment manual (Roberts, page 2, para. 8 -the assessment checklist, prior to being completed, is inherently saved as a computer file and transmitted over the Internet to the client).

As per **claim 35**, Safetylogic teaches performing an audit assessment of a site using one or more site-specific audit assessment files (Roberts, page 1, para. 3 -Safetylogic enables risk managers to monitor whether the company is in sync with corporate directives).

As per **claim 36**, Safetylogic teaches performing steps 1 and 2 on a central computer system; performing step 3 on a remote computer system; entering results from step 4 on the remote computer system; and uploading the results from step 4 from the remote computer system to the central computer system (Roberts, page 2, para. 8 - the discipline specific checklists are generated within Safetylogic at Aon, while the site specific file is then sent to a remote computer, i.e., at the client site to perform and enter assessment information).

As per **claim 37**, Safetylogic teaches performing steps 1 through 3 on a central computer; entering results from step 4 on a remote computer system; and uploading the results from step 4 from the remote computer system to the central computer system (Roberts, page 2, para. 8 -the discipline specific checklists are generated within Safetylogic at Aon and then submitted to a remote client computer over the Internet for performance of assessment).

As per **claim 38**, Safetylogic teaches (2) populating the one or more discipline-specific master assessment manuals with discipline-specific questions (Roberts, page 2, para. 2 -

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Safetylogic uses a custom-tailored checklist template populated with discipline-specific assessment data, i.e., in the construction, manufacturing, health care, hospitality and retail industries; (3) generating one or more site-specific assessment files from the one or more populated discipline-specific master assessment manuals each of the one or more site-specific risk assessment files being a subset of one or more of the discipline-specific questions (Roberts, page 2, para. 8 - Safetylogic inherently creates a file for the site-specific assessment since that assessment is then transmitted over the Internet – these site-specific questions are pulled from discipline-specific assessment data, i.e., in the construction, manufacturing, health care, hospitality and retail industries); and (4) performing an assessment of a site using the one or more site-specific assessment files the site-specific assessment files including interactive questions for prompting a user to (i) answer questions or (ii) perform one or more tasks (Roberts, page 2, para. 8 - the client then complete the checklists to perform site assessment; Safetylogic teaches an online version of the assessment methodology wherein forms and audits are downloaded into a hand held personal computer letting field managers record information while away from the office. The subscription based product allows managers to communicate safety issues in real time with remote locations and can track such information as whether safety meetings or self-inspections have been conducted. The password-protected, encrypted Web site also can be used to gather, distribute and archive safety management information (Roberts pages 1-2). Inherently the field manager is presented with the forms and audits that describe assessment procedures thereby “prompting” the user to perform one or more tasks; Risk & Insurance” - Safetylogic's online capabilities wherein users may conduct audits, add and track action items, send out assessment forms, collect information from the field, manage bulletins and

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questionnaires and run Reports. the online capabilities allow users to retrieve and enter data regarding auditing and questionnaires, etc.).

Safetylogic teaches generating a custom-tailored checklist with discipline-specific assessment data, but does not explicitly teach creating the discipline-specific assessment manual (checklist) from templates. Official notice is taken that it would have been obvious to one of ordinary skill in the art at the time of the invention to create checklists from existing templates. By utilizing templates for creation of checklists (assessments), one ensures consistency in the results.

As per **claim 40**, Safetylogic teaches performing follow up risk assessment of one or more clients (Roberts, page 1, para. 6 - Safetylogic teaches providing quarterly reports to show managers how the company is progressing), but does not explicitly teach training the one or more clients on use and revision of the one or more site-specific assessment files. It would have been obvious to one of ordinary skill in the art at the time of the invention to include training for the clients to ensure the clients know how to operate the system and understand how the process works. This would ensure more accurate results from the risk assessment.

As per **claim 41**, Safetylogic does not explicitly teach periodically performing audits for each of the one or more clients, however, official notice is taken that it would have been obvious to one of ordinary skill in the art to periodically audit the clients as a way to track progress and compare earlier audit results with later results. This would provide a benchmark to gauge improvement.

As per **claim 42**, Safetylogic teaches (1) generating blank master interactive assessment and audit templates (Roberts, page 2, para. 2 - Safetylogic uses a custom-tailored checklist

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template populated with discipline-specific assessment data, i.e., in the construction, manufacturing, health care, hospitality and retail industries); (2) generating a master interactive assessment manual from the blank master interactive assessment files, the master interactive assessment manual being populated with discipline-specific questions (Roberts, page 2, para. 2 - Safetylogic uses a custom-tailored checklist template populated with discipline-specific assessment data, i.e., in the construction, manufacturing, health care, hospitality and retail industries); (3) generating a master audit manual from the blank master audit template (Roberts, page 2, para. 2 - Safetylogic uses a custom-tailored checklist template populated with discipline-specific assessment data, i.e., in the construction, manufacturing, health care, hospitality and retail industries); wherein said master interactive assessment manual and said master audit manual are used as a guide for auditing and assessing businesses and other entities for one or more areas of risk management based on standards of care that arise from statutes, rules, and regulations promulgated by government and regulatory organizations; and generating one or more interactive site-specific assessment files from the master interactive assessment manual, each of the interactive site-specific assessment files being a subset of one or more of the discipline-specific questions (Roberts, page 2, para. 8 Safetylogic inherently creates a file for the site-specific assessment since that assessment is then transmitted over the Internet – these site-specific questions are pulled from discipline-specific assessment data, i.e., in the construction, manufacturing, health care, hospitality and retail industries. the site-specific assessment files including interactive questions for prompting a user to (i) answer questions or (ii) perform one or more tasks (Roberts, page 2, para. 8 - the client then complete the checklists to perform site assessment; Safetylogic teaches an online version of the assessment methodology wherein forms

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and audits are downloaded into a hand held personal computer letting field managers record information while away from the office. The subscription based product allows managers to communicate safety issues in real time with remote locations and can track such information as whether safety meetings or self-inspections have been conducted. The password-protected, encrypted Web site also can be used to gather, distribute and archive safety management information (Roberts pages 1-2). Inherently the field manager is presented with the forms and audits that describe assessment procedures thereby “prompting” the user to perform one or more tasks; Risk & Insurance” - Safetylogic's online capabilities wherein users may conduct audits, add and track action items, send out assessment forms, collect information from the field, manage bulletins and questionnaires and run Reports. the online capabilities allow users to retrieve and enter data regarding auditing and questionnaires, etc.).

Safetylogic teaches generating a custom-tailored checklist with discipline-specific assessment data, but does not explicitly teach creating the interactive assessment manual (checklist) from templates. Official notice is taken that it would have been obvious to one of ordinary skill in the art at the time of the invention to create checklists from existing templates. By utilizing templates for creation of checklists (assessments), one ensures consistency in the results.

As per **claim 43**, Safetylogic teaches generating site-specific audit files from the master audit manual; auditing a site using the site-specific audit files (Roberts, page 2, para. 2 Safetylogic uses a custom-tailored checklist template populated with discipline-specific assessment data, i.e., in the construction, manufacturing, health care, hospitality and retail industries); performing an initial audit of the site using the interactive site specific assessment

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files); and generating a site-specific interactive manual from the initial audit and from the interactive site specific assessment files, wherein the site-specific interactive manual includes instructions for reducing risks identified during the initial audit, and wherein the site-specific interactive manual includes instructions to periodically perform one or more risk management functions (Roberts, page 1, para. 6 - Safetylogic teaches the checklists that are sent to the client must be completed and returned for evaluation using reporting features which allow the client to track efforts being conducted all over the company).

As per **claim 44**, Safetylogic teaches performing follow up risk assessment of one or more clients (Roberts, page 1, para. 6 Safetylogic teaches providing quarterly reports to show managers how the company is progressing), but does not explicitly teach training the one or more clients on use and revision of the one or more site-specific assessment files. It would have been obvious to one of ordinary skill in the art at the time of the invention to include training for the clients to ensure the clients know how to operate the system and understand how the process works. This would ensure more accurate results from the risk assessment.

As per **claim 45**, Safetylogic teaches one or more areas of risk management include health and safety, food safety, water safety, asbestos safety, fire safety, occupational health, resource conservation, and occupational hygiene (Roberts, page 2, para. 2 Safetylogic uses a custom-tailored checklist template populated with discipline-specific assessment data, i.e., for clients in the construction, manufacturing, health care, hospitality and retail industries, etc.).

As per **claim 46**, Safetylogic teaches one or more blank master assessment templates are generated by information technology (IT) professionals (inherently the assessment checklists,

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prior to being completed are created by a professional associated with Safetylogic that has the knowledge to create the checklist and display them on the Internet site).

As per **claim 47**, Safetylogic teaches the master interactive assessment manual is populated with risk management questions, procedures, links, comments and other information useful for risk assessment and management (as one example checklists are created for safety inspections, inherently these checklists would comprise specific questions pertaining to procedures used by the client in their industry, also, the “Internet Index”, page 2 of Gjertsen, includes links to information sources that Aon develops with a service provider, for example, an airline’s Aonline Internet Index might include links to the Federal Aviation Administration and the National Weather Service).

As per **claim 48**, Safetylogic teaches the master interactive assessment manual is populated with discipline-specific risk management questions, wherein the disciplines for the discipline specific risk management questions include questions from one or more of health and safety discipline, food safety discipline, occupational health discipline, occupational hygiene discipline, water safety discipline, asbestos safety discipline, resources conservation discipline, food preparation discipline, and fire safety discipline (Roberts, page 2, para. 2 Safetylogic uses a custom-tailored checklist template populated with discipline-specific assessment data, i.e., in the construction, manufacturing, health care, hospitality and retail industries).

As per **claim 49**, Safetylogic does not explicitly teach the population of one or more discipline-specific master assessment manuals are performed by one or more chief consultants having expertise in a specific discipline, wherein in the one or more chief consultants populate the one or more discipline-specific master assessment manuals with questions that are structured

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to identify issues and assess compliance with statutes, rules regulations, best practices and other duties of care relevant to the specific discipline. However, it would have been obvious at the time of the invention to consult with specialists in each industry to populate the assessment manuals with discipline specific questions to identify issues and assess compliance. Including specialists in the population of assessment questions would ensure accurate risk assessments take place considering important aspects of the discipline at hand.

As per **claim 50**, Safetylogic working with several industry areas including construction, manufacturing, health care, etc., to perform risk assessments using custom-tailored programs (Roberts, page 2, para. 2). Safetylogic does not expressly teach the specific industry specialists recited in claim 50. However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106. Further, since Safetylogic includes working with several industry areas including construction, manufacturing, health care, etc., to perform risk assessments using custom-tailored programs it would have been obvious to one of ordinary skill in the art to include industry specialists with expertise in a specific discipline to ensure accurate risk assessments take place considering important aspects of the discipline at hand.

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As per **claim 51**, Safetylogic teaches a site-specific assessment file for a single discipline is generated from the master interactive assessment file (Roberts, page 2, para. 6 Safetylogic inherently creates a file for the site-specific assessment since that assessment is then transmitted over the Internet).

As per **claim 52**, Safetylogic teaches a site-specific assessment file for multiple disciplines is generated from the master interactive assessment manual (Roberts page 2, para. 6 Safetylogic inherently creates a file for the site-specific assessment since that assessment is then transmitted over the Internet; Safetylogic uses a custom-tailored checklist template populated with discipline-specific assessment data, i.e., in the construction, manufacturing, health care, hospitality and retail industries).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Johnson, Dave. High tech health and safety. Mentions Risknet/Safetylogic mobile PC systems wherein audits are performed and uploaded to the Safetylogic server.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHNNA R. LOFTIS whose telephone number is (571)272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brad Bayat can be reached on 571-272-6636. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Johnna R Loftis/
Examiner, Art Unit 3624